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EXAMINER

COLLINS, GIOVANNA M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,119

Applicant(s)

MONSON, BRANT

Examiner

Giovanna M. Collins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 14, lines 22-23 the phrase “The width of the annular channel 72 is typically between ___ and ___ inches.”

On page 16, lines 22-23 “Each notch 124b” should be changed to -- Each notch 124a and 124b--.

In claim 19, line 22 “head bolt” should be changed to --bolt head--.

In claim 27, line 17 “he locking pin” should be changed to --the locking pin—

The Brief Description of Drawings mentions “Fig. 4A” but there is no “Fig. 4A” in the drawings.

Appropriate correction is required.

Drawings

1. The drawings are objected to because “Fig. 4b” should be changed to --Fig. 4A--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 216 and 232. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6, it is unclear what the phrase “the handle” refers to. It appears the applicant intended to recite --The quick release system according to claim 5--instead of “The quick release system of claim 4”.

Claims 7-9 depend from claim 6 and likewise are indefinite.

In claim 10, it is unclear what the phrase “the locking pin” refers to. It appears the applicant intended to recite --The quick release system according to claim 7--instead of “The quick release system of claim 6”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7,12-13,17-19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogan et al. (‘232) in view of Meng (734).

Gogan et al. disclose (see Figs. 2 and 9) a quick release system for mounting a backrest on a motorcycle, the system comprising a side bracket plate (26) having a first notch (see Fig. 8 at 48) extending inwardly generally horizontally from an end of the side bracket plate, and a second notch (see Fig. 1, at 50) extending generally upwardly into the side bracket plate from a bottom thereof, the first and second notches being configured to receive a bolt head. Gogan does disclose a retaining means (56) mounted to the side bracket plate for selectively allowing movement of a bolt head into the second notch but does not disclose that it is slidable. Meng teaches (see Fig. 2) a slidable retaining means (33) mounted to a side bracket plate (16) for selectively allowing movement of a bolt head into a second notch (at 21). Meng further teaches that this retaining means is applicable in connecting end frames to other horizontal frames to hold the frames in spaced upright positions (see col. 1, lines 1-6). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the quick release system disclosed by Gogan et al. to have the retaining means taught by Meng because .

Referring to claim 2, Meng teaches at least one semi-circular grommet (at 21) disposed along one of the notches.

Referring to claim 3, Meng teaches wherein the slidable retaining means (33) comprises a retaining pin (33) slidable between a first position, wherein the pin prevents movement of a bolt head out of a second notch, and a second position, wherein the retaining pin does not prevent movement of a bolt head and out of the second notch.

Referring to claim 4, Meng teaches wherein the retaining pin (33) is biased into the first position (see col. 2, lines 19-22).

Referring to claim 5, Meng teaches a handle (34) attached to the retaining pin such that movement of the handle away from a second notch moves the retaining pin (33) from the first position to a second position.

Referring to claim 6, Gogan et al. disclose a locking means (see Fig. 5, at 70) disposed in a handle (at 65).

Referring to claim 7, Gogan et al disclose wherein the locking means comprises a locking pin (70)

Referring to claim 12, Gogan et al., as modified, disclose a locking means (70) for selectively preventing movement of the slidable retaining means.

Referring to claim 13, Gogan et al. disclose wherein the locking means (70) comprises a locking pin.

Referring to claim 17, Gogan et al. disclose at least one bolt (20), the bolt having a bolt head with a generally annular channel formed therein (see fig. 3, at 21), the bolt head being configured for nesting in the second notch.

Referring to claim 18, Gogan et al. disclose two bolts (at 20 and at 18) each having a generally annular channel formed therein and each being configured for nesting in one of the first and second notches.

Referring to claim 19, Gogan et al., as modified, discloses the quick release system according to claim 17 but does not disclose wherein the bolt head further comprising a second annular channel. However, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore it would be obvious to one skilled in the art at the time of the invention to

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further modified the release system disclosed by Gogan et al. to have a second annular channel on the bolt head because duplicating the components of a prior art device is a design consideration within the skill of the art.

Referring to claim 21, Gogan et al. disclose a side bracket plate (26) for use in a backrest quick release system, the side bracket plate comprising a first notch (at 48) configured for receiving a bolt head; a second notch (at 50) having an opening and being configured for receiving a bolt head. Gogan et al. disclose a retaining means but do not disclose that the retaining means is a retaining pin. Meng teaches a retaining pin (33) positioned adjacent to a second notch (at 21), the retaining pin being movable between a first position wherein the retaining pin prevents a bolt head disposed in the second notch from being removed from the second notch, and a second position wherein the retaining pin does not prevent removal of the bolt head.

Referring to claim 22, Meng teaches wherein the retaining pin (33) is spring loaded (at 35).

Referring to claim 23, Meng teaches comprising a handle (34) attached to the retaining pin (33) for selectively moving the retaining pin between the first and second positions.

Referring to claim 24, Gogan et al. disclose a locking means (70) for selectively preventing movement of a retaining means from a first position to a second position.

4. Claims 8-11,14-16, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogan et al. ('232) in view of Meng (734) as applied to claims 6,13,21 above, and further in view of Munson ('026).

Gogan et al., as modified, disclose the quick release system according to claim 6. Gogan et al., as modified, do not disclose wherein the side bracket plate has a locking hole and wherein the locking pin extends into the locking hole to prevent movement of the handle. Munson teach (see Fig. 1) a quick release system where a side bracket plate (20) has a locking hole (at 24) and wherein a locking pin (23) extends into the locking hole to prevent movement of a handle (22). Munson further teaches that the locking hole ensures that the locking pin will stay in the locked position (see page 2, lines 17-24). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the release system disclosed by Gogan et al. to have a locking hole and have the locking pin extend into the locking hole to ensure that the locking pin will stay in the locked position.

Referring to claim 9, Gogan et al., as modified, disclose the quick release system according to claim 6. Gogan et al., as modified, do not disclose wherein the side bracket plate has a locking notch and wherein the locking pin extends into the locking hole to prevent movement of the handle away from the second notch. Munson teach (see Fig. 1) a quick release system where a side bracket plate (20) has a locking notch (at 24) and wherein a locking pin (23) extends into the locking notch to prevent movement of a handle (22) away from a second notch (at 20). Munson further teaches that the locking notch ensures that the locking pin will stay in the locked position (see page 2, lines 17-24). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the release system disclosed by Gogan et al. to have a locking notch and have the locking pin extend into the locking notch to ensure that the locking pin will stay in the locked position.

Referring to claim 10, Gogan et al. disclose (see Fig. 5) wherein the locking pin (70) is spring loaded (at 74) to bias the locking pin into a locking position.

Referring to claim 11, Meng teaches (see Fig. 2) wherein a side bracket plate (16) further comprises a guide channel (at 31) formed therein, and wherein the handle slides along the guide channel.

Referring to claim 14, Gogan et al., as modified, disclose the quick release system according to claim 13. Gogan et al., as modified, do not disclose wherein the side bracket plate has a locking hole and wherein the locking pin extends into the locking hole to prevent movement of retaining means. Munson teach (see Fig. 1) a quick release system where a side bracket plate (20) has a locking hole (at 24) and wherein a locking pin (23) extends into the locking hole to prevent movement of a retaining means (see fig. 2, at 22). Munson further teaches that the locking hole ensures that the locking pin will stay in the locked position (see page 2, lines 17-24). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the release system disclosed by Gogan et al. to have a locking hole and have the locking pin extend into the locking hole to ensure that the locking pin will stay in the locked position.

Referring to claim 15, Gogan et al., as modified, disclose the quick release system according to claim 13. Gogan et al., as modified, do not disclose wherein the side bracket plate has a locking notch and wherein the locking pin extends into the locking hole to prevent movement of the handle away from the second notch. Munson teach (see Fig. 1) a quick release system where a side bracket plate (20) has a locking notch (at 24) and wherein a locking pin (23) extends into the locking notch to prevent movement of a handle (22) away from a second notch

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(at 20). Munson further teaches that the locking notch ensures that the locking pin will stay in the locked position (see page 2, lines 17-24). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the release system disclosed by Gogan et al. to have a locking notch and have the locking pin extend into the locking notch to ensure that the locking pin will stay in the locked position.

Referring to claim 16, Gogan et al. disclose (see Fig. 5) wherein the locking pin (70) is spring loaded (at 74) to bias the locking pin into a locking position.

Referring to claim 25, Gogan et al., as modified, disclose the side bracket plate according to claim 24, and wherein the locking means (70) comprises a locking pin. Gogan et al., as modified do not disclose that the locking pin is configured to engage the side bracket plate. Meng teach (see Fig. 1) a side bracket plate wherein a locking means wherein a locking pin (23) is configured to engage the side bracket plate (at 24). Munson further teaches that this engagement ensures that the locking pin will stay in the locked position (see page 2, lines 17-24). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the release system disclosed by Gogan et al. to have a locking notch and have the locking pin engage the side bracket plate to ensure that the locking pin will stay in the locked position.

Referring to claim 26, Munson teach wherein a side bracket plate (20) has a locking hole (at 24) and a locking pin (23) is configured for placement into the locking hole to prevent movement of a retaining pin (see fig. 2, at 22).

Referring to claim 27, Munson teach wherein a side bracket plate (20) has a locking notch (at 24) formed therein and wherein a locking pin (23) is configured for advancement into the locking notch.

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5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogan et al. ('232) in view of Meng (734) as applied to claim 17 above, and further in view of Albrecht ('405).


Gogan et al., modified, disclose the quick release system according to claim 17, but does not disclose wherein the bolt head further comprises female threaded portion. Albrecht teach (see Fig. 3) a bolt head (10) that comprises a female threaded portion (18). Albrecht further teach that such bolts are common in the art (see col. 1, lines 54-55). Therefore it would be obvious for one skilled in the art at the time of the invention to modify the bolt disclosed by Gogan et al. to have a female threaded portion as taught by Albrecht because it is common in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 703-306-5707. The examiner can normally be reached on 7:30-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Greg Binda
Patent Examiner

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July 23, 2002